FOR MYSORE STATE

Food and Agriculture (1950) Department.

Pls -SERIES.

G.O. NO. 132 Food and Agriculture

Dated 20th January 1950

[Despatch Abstract.]

Acts and Rules — The Mysore Essential Articles Control and Requisitioning (Temporary Powers) Act 1949 — (Act No. XXIX of 1949) Application to excluded and partially excluded areas — Notification — Published.

ACTS AND RULE - The Madras Essential Articles Control and Requisitioning (Temporary Powers)Act, 1949 - Act No. XXIX of 1949) - Application to excluded and partially excluded area s - Notification published.

G.O.L Ms. No. 132 FOOD & AGRICULTURE Dp/20--1--1950.

Read again:

G.O. Ms. No. 2195, Pub (Political) d/15-10-46

G.O. Ms. No. 2230, Pub (Political) d/18-10-46.

The following notification will be published in the Fort St. George Gazette:-

NOTIFICATION.

In exercise of the powers conferred by section 92 (1) of the Government Of India Act. 1935, His Excellency the Governor of Madras hereby directs that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949, (Madras Act XXIX of 1949), shall apply to all excluded and aprtially excluded areas in the Province of Madras subject tc the modifications set out in schedule I below and in the case of excluded areas, subject also to the modifications set out in Schedule II below

SCHEDULE I

1. For clause (b) of section 9 (1), the following clause shall be substituted, namely:-

"(b) under any of the provisions of sections 3, 4 and 7 of the Madras Essential Articles Control and Requisitioning (Temporary Powers)Act, 1946 on the footing that the Act was in force at the relevant time, if the order was inforce immediately before the commencement of this Act"

2. For sections 20,21, and 22 the following sections shall be substituted, namely:-

20(1) Any rule or order made or deemed or purporting to have been made, any notification issued or deemed or purporting to have been issued, any decision, award or

direction given or deemed or purporting tohave been given, any action or proceeding taken or deemed or purporting to have been taken, or anything done or deemed or purporting to have been done

(a) under any provision of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, (Hereinafter in this section and in section 21 referred to as the said Act), and in force immediately before the 1st October 1948, or

(b) on or after the 1st obtober 1948, under any provisio of the said Act on the footing that the said Act was in force at the relevant time,

shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that the said Act was in force at the relevant time, be deemed to be a rule or order made, notification issued, decision, award or direction, given action or proceeding taken, or thing done under the corresponding provision of this Act.

2. Any liability or penalty incurred or deemed or purporting to have been incurred, any punishment awarded or deemed or purporting to have been awarded, and any prosecution commenced or deemed or purporting to have been commenced:

(a) under any provision of the said act before the 1st october 1948, or,

(b) on or after the 1st obtober 1948 under any provision of the said act, on the footing that the said act was in force at the relevant time, shall be deemed to have been incurred , awarded, or commenced under the corresponding provision of this Act.

22. (1) No suit, prosectuion or other legal proceeding shall lie in any court against any officer or servant of the Provincial Government or any person acting under his directi n

or aiding or assisting him.

(a) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act, or

(b) for carrying out any sentence passed by any Court in exercise of any such jurisdiction or power as aforesaid.

(8) No suit or other legal proceeding shall lie against the Provincial Government for, or on account of, or in respect to of, any act, matter or thing whatsoever, purporting/have been done in pursuance of or under the said Act.

(3) Sub-Sections (1) & (2)shall have effect although the said Act was not or might not have been in force at the relevant time.

22. The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 is hereby repealed.

SCHEDULE II

1. For sub-section (4) of section 1, the following sub-section shall be substituted, namely:-

"(4) The expiry of this Act shall not--

(a)affect anything done or any offence committed,or any fine or penalty incurred or any proceedings begun before the expiry of this Act; or

(b) affect the previous operation of this Act or anything duly done or suffered under it; or

(c) affect any right, privilege, obligation or liability acquired,accoured or incurred under this Act;

(d) affect any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against this Act or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation liability,ffine, penalty, forefeiture or punishment as

aforesaid; any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such fine, penalty, forefeiture or punishment may be imposed, as if this Act had not expired.

2. In section 5 (2)_

(i) for clause (b) and the explanation thereto, the followingclauseshall be sustituted, namely:-

(bi) Where no such agreement can be reached, the Provincial Government shall appoint, as arbitrator, any District Judge or Subordinate Judge empowered in this behalf.'

(ii) in clause (d)(i), after the words and figures "Land Acquisition Act, 1894", the words 'as in force for the time being elsewhere in the Province of Madras" shallbe inserted.

3. For sub-section (3) of section 12, the following sub section shall be substituted, namely:-

" (3) It shall be lawful for any magistrate of the first class sepcially empowered by the Provinical Government in this behalf to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening any order made under this Act or continued under section 9".

4. In section 17 (2), the words and figures "within the meaning of the indian Evidence Act, 1872," shall be omitted.

(BY ORDER)

The Superintendent, Government Press for publication the notification.

The Agent, to the Government of Madras, East Godavari West Godavari, V isakhapatnam.

The Collectors of Malabar and South Kanara.

The Board of Revenue (CIVIL SUPPLIES.)
The Board of Revenue(Land Revenue)
The other departments of Secretariats.
The Hon'ble the Chief Justice. (Copy to be signed by Secretary.)
The Secretary to His Excellency the Governor.
The Director of I & P.
Copies to all sections and Agriculture (department).

(TRUE COPY)

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SUPERINTENDENT.

V.N.M.30/5/

Compared